

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

David Gibson 15A2714

Plaintiff(s),

v.

PATRICK Beardon Etc & Al

Defendant(s).

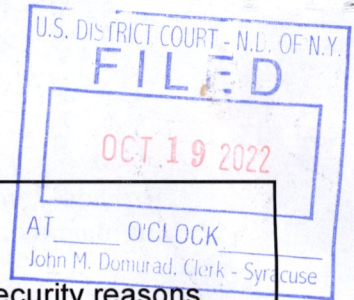
COMPLAINT

(Pro Se Prisoner)

Case No. 9:22-cv-00723 BKO/CFH
(Assigned by Clerk's
Office upon filing)

Jury Demand

☐ Yes
☒ No



NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore **not** contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include *only*: the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

I. LEGAL BASIS FOR COMPLAINT

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Other (please specify) _____

II. PLAINTIFF(S) INFORMATION

Name: David Gibson
 Prisoner ID #: 15A2714
 Place of detention: Marcy C.F.
 Address: Box 3600 Marcy, NY 13403-3600

Indicate your confinement status when the alleged wrongdoing occurred:

- ☐ Pretrial detainee
☐ Civilly committed detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Immigration detainee

Provide any other names by which you are or have been known and any other identification numbers associated with prior periods of incarceration:

If there are additional plaintiffs, each person must provide all of the information requested in this section and must sign the complaint; additional sheets of paper may be used and attached to this complaint.

III. DEFENDANT(S) INFORMATION

Defendant No. 1: PATRICK REARDEN
 Name (Last, First)
Superintendent
 Job Title
Marcy C.F. Box 3600
 Work Address
Marcy NY 13403-3600
 City State Zip Code

Defendant No. 2: Deputy of Security Snyder
 Name (Last, First)
Deputy of Security
 Job Title

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Defendant No. 3:

Marcy C.F. Box 3600

Work Address

Marcy NY 13403-3600

City

State

Zip Code

Plant Superintendent Wiggins AKA John Hunka

Name (Last, First)

~~Plant Superintendent~~ Plant Superintendent

Job Title

Marcy C.F. Box 3600

Work Address

Marcy NY 13403-3600

City

State

Zip Code

Defendant No. 4:

Captain Keirpezh

Name (Last, First)

Captain

Job Title

Marcy C.F. Box 3600

Work Address

Marcy NY 13403-3600

City

State

Zip Code

If there are additional defendants, the information requested in this section must be provided for each person; additional sheets of paper may be used and attached to this complaint.

IV. STATEMENT OF FACTS

State briefly and concisely the facts supporting your claims. Describe the events in the order they happened. Your statement of facts should include the following:

- The date(s) on which the events occurred
- Where these events took place (identify the facility and, if relevant, the specific location in the facility)

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- How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

P. Heardon IN Hernandez v. Keene 2nd Cir to find 9 defendants
Guilty of Training Subordinates, Negligence of Hiring A defendant
Has to be Aware of the unconstitutional act and. In
Discovery Plaintiff would like to Present, How Many Grievances,
Interviews, and Complaints. Due The Marcy C.F. Defendant Have
for Excessive Force, Falsifying Reports, And Camberos Not
Working When Needed. If the Election in writing the
Camberos (Whom Not A defendant) in Marcy RMH. A Federal
Funded Program for Mentally Ill IIT². The Contract would
STATE A Time Frames Due to Covid There could been a
Delay But there are Alternatives. Such As body Cammeras
To Prevent A Clear Pattern of Degrading treatment, Clear
Patterns of Deliberate Indifference of Guards Pattern of Abuse
Multiple Assaults, Multiple Excessive Force ON Extraction
Multiple Food tampering Complaints, Multiple Illegal
Deprivations, Multiple Mail Tampering, Multiple Falsifying
Documents. By knowing of A unconstitutional ^{act} is occurring or would in future

V. STATEMENT OF CLAIM(S)

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

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Attaches

Defendant No. 5 Foil Officer J. Bell Foil Officer

Marcy C.F. Box 3600 Marcy, NY 13403-3600

Defendant No. 6 SRGNT Carpenter Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 7 SRGNT. Ziar Marcy C.F. Box 3600 Marcy New York

Defendant No. 8 SRGNT. Keeney Marcy C.F. Box 3600 Marcy, New York 13403

Defendant No. 9 C.O. Amanda Joe Mayne Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 10 C.O. Rugari Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 11 C.O. R. Giordani Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 12 C.O. Jimmy WATER8 Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 13 C.O. Robert Kessler Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 14 C.O. Roberto Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 15 C.O. M. Iamoniza Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 16 C.O. A. Bizika Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 17 C.O. James Chaplain Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 18 C.O. Herti Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 19 C.O. A. Browinski Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 20 C.O. M. Vitale Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 21 C.O. Metilius Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 22 C.O. Andreyas Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 23 RN. Shabon Dakhocco Marcy C.F. Box 3600 Marcy, NY

13403

Defendant No. 24 C.O. CORNELLI Marcy C.F. Box 3600 Marcy, NY 13403

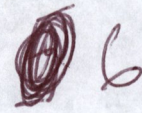
Defendant No. 25 SRGNT C. Bennett Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 26 C.O. Westly Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 27 SRGNT Klechi Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 28 C.O. Affanene Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 29. M. Jane Marcy C.F. Box 3600 Marcy, NY 13403



In one of several ways, including when that individual 1) has directly participated in the challenged conduct. C on 5-5-22 the incident occurred. Plaintiff filed a Grievance that was Alleged to Not Have been Received until 6-1-22. TAP 22-1153 Review date 5-6-22 by Supt Reardon. It is department Policy that the Superintendent Reviews All Use's of Force Especially ones that are on video and Audio. Look At Exhibit 27 on Incident date & Time 05/05/2022⁵ It would be Not in D.O.C.'s Policy or Very Unprofessional that Defendant Reardon wouldn't look At video, OR Photos outside charges in Marcy RMH, when Plaintiff family called and called 05/06/2022 Defendant Reardon, Captain Keirpeck seen Plaintiff 05/06/2022 and the day Plaintiff started his Hearing, There Is A Case that Approx 5 years or so, Acting Superintendent Reardon, Deputy Superintendent Brian Hilton, and, (Sgt Keirpeck Alleged to Watch or Condone STAFF Beat And Punch A Cuffed Inmate when Defendant Reardon Refuse to make His self "Aware Because You A Superior" Are Not Aware of the Violation You Cant be Responsible" Please Hear 22-1153 Audio and when, If the Defendant would Release Hearing tape Video technician Never states why the other video was available or did Captain Keirpeck Allow Plaintiff witness Video technician OR did He allow Plaintiff Superintendent Beas V. Jackson (2d cir 1986) The Tangible Connection Please See That the only People who Have 24/7 Access to the video system to Red Flag Save or Edit delete Is The Marcy Administration And Albany Brian Hilton

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Cpl/Marcy Cpl. Administration (1) Superintendent Reardon (2)
~~Reardon~~ Deputy of Security Snyder, (3) Captain Kurpuck
 (4) Jail officer Bell But ~~for~~ For Not only did Defendant PATRICK
 Reardon directly participate in the challenged conduct. He also
 failed to remedy/correct the 8th Amendment violation by
 Defendant's in Excessive force. Plaintiff reached out threw certified mail
 Return Receipt 702109000189321277 (whom Not A defendant) Ick Lucy
 Plaintiff letter was Received 5-18-22, Almost 2 weeks After
 incident threw chain of command Ick Lucy Lucy Ick to Notify Defendant
 Reardon that A I/I Is writing About A Assault that is own Video
 that P. Reardon Has access too on 5-18-22 Plaintiff letter to
 Chief District Judge Glenn T. Suddaby # 70210950000189321079
 were again Plaintiff sent A copy of A Jail Request Complaining
 of being Assaulted by Guards Asking for Help and Explain
 it Is A Video: on 5-31-22 Plaintiff sent A copy to Governor
 Kathleen Hochul Certified mail Return Receipt 70210950
 0000189321284 were again He says and Complains of
 Not getting Jail Request, Not Hearing grievance
 Responded to Being Assaulted on video & Audio and Defendant
 covering up the Excessive force Plaintiff send Governor
 A letter claiming Defendant Jail officer Bell Not timbey
 Responding, to Jail Request But for P. Reardon Not
 Remedy the violation But for Captain Kurpuck speak
 to Plaintiff family How tape 22-1153 whom tells
~~Reardon~~ Defendant Kurpuck of Excessive force by
 Defendant's WATERS, Giordano, Co. A. Brominski, Roberts
 Kessler, Iomonica, And Chaplain And tells defendant about video.

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Now under Bass v. Jackson 790 F.2d 260, 263 (2d Cir 1986) quoting There Must Be a tangible Connection Between the Constitutional Violation Now Plaintiff started Hearing on 5-9-22 4 days After incident Plaintiff tells Defendant Kierpeck He wants All Video Footage Defendant Video Technician Jane Doe preserves A Portion (Plays Her tape 22-1153 She says the video was preserved in A Part And the Rest was Not Defendant Kierpeck deny Plaintiff's witness on why She didn't say Audio only And could the Cone be Fixed or de-coded) immediately Defendants Are Attempting to Cover up the Assault Now 5-06-22 Defendant P. Beardon OR Superintendent's Assistant John or Jane Doe Review the excessive Force Video (2) After knowing of the violation Threw Report of Appeal has failed to Remedy the Wrong (5) Failed to get on Information indicating that unconstitutional acts were occurring Iqbal v. Hasty 440 F.3d 143, 152-53 (2d Cir 2007) rev'd on other grounds, Sub Nom Ashcroft v. Iqbal 554 U.S. 902, 128 S. Ct 2931. 171 LEd 2d 501; Williams v. Smith 781 F.2d 319, 323-24 (2d Cir. 1986)

It Is Common that the Defendant Beardon's Assistant Review Video (In U.I. Report It say was incident Recused Yes was View Now) After Review Use of force If she Defendant If Defendant Superintendent Assistant Jane or John Doe Review A Excessive force The Defendant Beardon Is to Contact Outside Law Enforcement The D.O.C.C. Chain of Command

18 Superintendent Reardon, Deputy of Security Snyder
Captain Kempck Defendant Kempck is Head of
Security for RMH. The Moment the Audio/Type
started He started Covering And Violating N.Y.S.D.O.C.C.S
Part 254.1 Hearing officer (b) James chapman was sent to
due my Assistance And was in my USE of Force (d) Defendant
Kempck Came And Seen me before my Hearing started
And Had investigated the incident Hear Tape 22-1153
"He was doing A Favor for my Mother" (Whom He lied
Too Violating my 14th Amendment I Could Not Properly
defend my Case was Not a Fair Trial the Video Case
was a Security Code that could be DE-coded Denial
of the Video Technician witness was Not Redundant
If She stated In Her Memorandum the Video
was Preserved Not Just Audio He Refused my
witness to Attempt to cover up the Assault If there
was A Alleged un-Hygenic Act why did you Not
Press outside Charges or If it was A Video why
didn't The Superintendent Review the Camera Please
listen to tape/Flash drive. Access to Courts claim
From May 19, 2022 To June 19, 2022 Plaintiff Had
to Amend 9:22-CV-00270 GTS-ATB And Defendant
Carpenter, Corneli, Metilus Had been Giving Plaintiff broken
tablets Not Giving Plaintiff A tablet At All Please
See letter to law library Supervisor C.F. Leone About
STAFF denying Him tablet And How He Has civil cases
In fact In 9:22-CV-00270 GTS-ATB the last two pages

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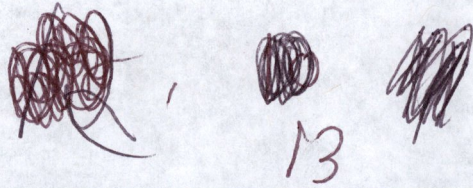
Plaintiff Put Wrong Case He Failed to State A
Claim. Because Defendant Carpenter And Corneli And
Mettius gave Him broken law library tablets And
denied Him A tablet in total And defendant
Reardon, Deputy of Program Deputy of Security
Snyder failed to Remedy the Wrong Thumny
~~Subornate~~ (5) Failed to act on Information
indicating that unconstitutional acts were occurring If you
look on C.F. Leone letter to plaintiff was June 30, 2022
Defendant mostly continued to deny Plaintiff's law
library tablet After they Interfered with His legal Resourc
to Amend Complaint, Failing to allow legal Assistance
In a form to Attack, to Attack to challenge His
Confinement from 8-3-22 to 10-3-22 Even Now Defendant
Keirbeck Is denying his law library tablet Plaintiff
cant Properly work on Court of Claim No. 138090
OR Civil Case 9:22-CV-00723-Bks They Defendant
Keirbeck Keep Renaming A Illegal deprivation And
Please see letter to Honorable Bhendy K. Sanner 70220410
000195589. These Acts started May And Have lead All
the way up in to October. Mail Tampering Under
Davis, 320 F.3d at 351 From 9-8-22 to 9-30-22
SRGNT Keeney, SRGNT ~~Decker~~ ^{Kliche} Have Been Censoring
Plaintiff's legal Mail Splitting the side open and Glueing
It back Even to this court please check envelope sides
To 70220410000195589 to Honorable Bhendy K. Sanner
And Please check letter to court clerk from 9-30-22

On 10-11-22 From 9-8-22

Defendant SSGT Keeney, C.O. WATERS, And Giordani
And SSGT ~~Keeney~~ ^{Kliche} Have been Illegally Splitting
Plaintiff legal mail to Lucy Lany Inspector General
70220410000195156081, United States Commissioner on
Civil Rights 70220410000195156234, law Herman
Health Service Department (This legal representation was
A Complaint about staff Ripping of A Motion
to District Judge John G. Koeltl They Ripped the
Article Number of 70211970000087268569) 702204100001
95156623, Prob-Sc office Court Clerk 7021197000008726
8578, And Again to John G. Koeltl 7021197000008726
8651, And 70211970000087268644. C.O. Waters
And Giordani Have been with Holding Plaintiff law library
Photo Copies Plaintiff Cant timely file Discovery for Court
of Claims No. 138090 SSGT Ziegler Confiscated Plaintiffs
letters to Queens Court Fail unit at the time Plaintiff
didn't Have 7 years in Docos Custody to fail Documents
by doing this He Caused Plaintiff injury Incoming
legal Mail 7-22-22 Plaintiff Received A letter from
The Southern district Court Clerk Pertaining to 22-Cr-1122
Whom was about SSGT Carpenter Plaintiff being Put
on a deprivation On ~~June 28, 2022~~ June 28, 2022 That
law library Notary C.O. Amanda Joe Mayne Reys And
Conspired to Mail theft by Committing thesion by
Notify legal Action Plaintiff was Persevering 7-22-22
C.O. Mayne Comes to Plaintiff Cell Says He Is on Cell
Shield walks off And Never Comes back Plaintiff deadline

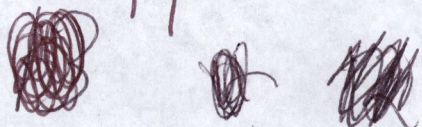
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W95 August 12, 2022 Defendants didn't give Plaintiff His mail in till August 16, 2022. Missing Deadline Around September 5, 2022 Plaintiff Received Another letter from Southern District About A Default Judgement that the law library officer didn't give Plaintiff As of today Plaintiff Has submitted FOIA/PA Justice Management Division MRU-FOIA-71-038 on 8-14-22 7621470000087268859 He Never Received any Response on ~~7-29-22~~ 7-29-22 the Court Clerk Mailed Plaintiff A civil Docket And A IFP and Authorization Defendant C.O. Mayne Gave Plaintiff legal mail that was open outside His presence with No Authorization form Because Plaintiff sent The I.F.P Application the Defendant Another falsified to stop Plaintiff from Filing 9:22-cv-00723-BK8 The Court Clerk Is in Possession of the letter and Exhibits Submitted by Plaintiff C.O. Mayne Also on 9-16-22 First came to Plaintiff Cell Plaintiff Has multiple Grievance on C.O. Mayne and Matay law library this day He asks C.O. Mayne does He Have legal Mail She Says No then comes Back say she Just Realized He does and Gives Plaintiff A large Manila Envelope from U.S. Court of Appeals About 22-1868 U.S.C.A on 9-30-22 when Plaintiff Realized that The Defendant Have been opening His Certified legal mail Giving It back He Seen Glue Resistant on Envelope A ongoing with Washington in



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James, 782 F.2d 1134, 1139 (2d Cir 1986)
Interference with Religious Meals Plaintiff Is a
Active Rastafarian under the STAR OF David whom
Emperor Selassie was Believed to Be A Bloodline
to Solomon David's Father in law King of the Hebrews
anything ~~un-natural~~ I8 for Beddin in his
Faith 7-18-22 C.O. James chaplain Give Plaintiff
His breakfast Day Per D.O.B.C.s Policy each Meal
Should consist of No less the 1000 c/o Calories
A day Plaintiff Had 1 Cereal He Stop SSGT
Carpenter And Complaints of STAFF Food tampering
At lunch Now James Chaplain Gives Plaintiff
A Shreded Burnt Tray as He thys and show
the Camber And SSGT Carpenter Again whom
deny Him a Full meal SSGT Carpenter tells Him at
least it dont have ~~holes~~ Holes again Everyday
Plaintiff Bored Is wet Plaintiff Came to Mercy
C.F. 238 Pounds He Is Now 190 195 in 5
Month last time He took His weight RN Dabbera
tampered with Scale 8-3-22 Plaintiff was Giving Donuts
with spit like wetness, Just like Every day from 5-17-22
to Now, Plaintiff eat donut And Had freezing feeling in
Stomach Please See Medical Records 1 8-4-22
C.O. Chaplain Again Give Plaintiff A Burnt Koshers
Tray this time He show Notice And Complaints
See Medical Records 1 8-4-22 After 6-3-22
Plaintiff was Given A Koshers tray with broke Muttzy

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Checker By Defendant Bizika who Has a white
Serpentine Ntzi tattoo on his right forearm in world war
2 Hitler chased Emperor Selassie out of Ethiopia There
Has been Multiple days the Defendant tamper with
Plaintiff Religious meal 9-27-22 Defendants Gave Plaintiff
again a open Jewish tray with Anti Freeze OR Peper
Spray this was Continued 9-27-22, 9-29-22, and 9-30-22
James chaplain is now opening By Poking Holes
And burning the Plastic so it melts Sealed
up in till Yesterday Plaintiff Bread was wet as defendant
Spit on it Please See Medical Records 2 10-3-22
Causing plaintiff Multiple weight loss, Stomach Pain, Throat
aching and Violating his Rastafarian Faith And as
of today 10-4-22 Plaintiff outer seal was melted
like Glued To Plastic tray But ~~the~~ The inner seal is
open Plaintiff Has burning feeling in chest because Defendant
are Injecting poison In His Religious Food Continuously
Excessive force, Failure to intervene, Whitley v. Albers
Supreme Court United States March 4, 1986 05/05/2022
Plaintiff Came out RMHU Program Cross Gate Defendant
R. Giordani Told Plaintiff To Get on the wall Plaintiff
was Hand Cuffed from behind in M.B.R SSGM Bennett
Stated Plaintiff Attempted To "Pull away" In Whitley
v. Albers Congress looks at the force used was
It Justifiable The threat that the Person Resists to
law enforcement when force was used Please
listen to Flash Drive In M.B.R Defendant's say

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Plaintiff Became agitated (Mental I'll I/A To in
Chairs why did He Place Plaintiff on the wall when
Plaintiff was in Movement to His Cell RMTU Policy If you
want O.M.H. You Have to Go back to your Cell Plaintiff
was Already Going back too His Cell) Plaintiff Is Hand
Cuffed from behind on A wall The Defendant didn't say Plaintiff
lunged back at Him He said "Pull Away" when slammed
on floor Defendant began Punching Plaintiff, Poking in Eye,
Plaintiff Has Now Hand's He is screaming I am Not Rising
AH AH AH! Please listen to Flash drive 5 Correction
Officers Cio. Roberts Is 300 Plus Pounds, Cio. WATERS,
Is about 200 Pounds, Cio. Giordani 150 Pound, Jumer chaplain
forcefully leg shackle Plaintiff Cio. A. Brownski spray Plaintiff
screaming "Motherfucker"! Hear type Cio. Lomoniza Poked
Plaintiff in Eye In M.B.R And C.I. Defendant Bennett
Never stated were He was Training subordinate 3, 4, 5, 6
He was Not there to Supervise The early Go back He
was suppose to be there once Cio's Roberts, Giordani, waters dragged
Plaintiff with one shoe Punching Him Pulling His Hair out Making
Racial slurs to be decontaminated He was brought to First Floor
tied with one shoe Defendant Robert Heister began to
Punch Plaintiff In his Right Eye with defendant A. BIZKA
WATERS, Roberts, Giordani when brought to
Medical Plaintiff Continued to SCREAM were
Defendant Shykon DARRICOES told Plaintiff to
shut up And since He won't shut or stop
screaming Take Him back to his Cell were Defendant Heister

~~16~~ 16 ~~16~~ ~~16~~

Told Plaintiff Gibson How does it feel intimidating
Him C.O. Bizily standing to His Right Kessler, And
Roberts, behind Him Defendant Shylon DabRocco
STATED in 05/05/2022 Medical Records Yelling
(Point out Plaintiff screaming in shock and agony) Spitting
Plaintiff was pepper sprayed (If Plaintiff spit at
staff He would Be forced to wear a spit mark
As Alleged Defendant leg shuckled Plaintiff)
Considered a Refusal Not Plaintiff Refused or
did He get the opportunity to Refuse The Defendants
Refused me In U.I Report TAPE 22-1153 with
As of Now the Defendant wont Process The
U.I. Report Says Seen Cell Side No Injury noticed
But did Not say this in Medical Records with
S. DabRocco History of lawsuits, Grievance, Complaints
off When Murry KMHU Assault A Inmate Defendant
DabRocco Is almost always there to Deny Medical
Attention 05/06/2022 Plaintiff was seen By Another
Nurse Who Documented Black eye, bruises since Plaintiff
Has constant Head ache And Eye is damaged when standing
At light to long. ~~When Plaintiff~~ When Plaintiff
was brought to his cell C.O. Hesti was squeezing
Plaintiff Hands when The Defendants were forcefully
un-shuckling Him, 06/07/2022 Plaintiff Calls omh
Chris C.O. M. Vitale Corner with OMH Plaintiff Is screaming
to Another Inmate And who Is own the Phone with
his grandmother Complaining about STAFF tampering with



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his legal mail Co. M. Vitale Alleged Said Plaintiff
Said He would Put shit in A bottle And throw
N.Y.S.D.O.C.C.s Policy If Plaintiff started this and
Co. M. Vitale Felt or seen A throw bottle the
Proper procedure Is to Alert A SSGNT, SSGNT Miller
And to Get the "Bus stop" "Move back Not Forward
Plaintiff didn't Have A bottle Co. M. Vitale waited
In till Plaintiff was talking And forcefully slammed
window on Plaintiff's finger Removing Half 1/2 layer skin
long and wide Given Plaintiff Nerve damage forever
Then Defendant Co. M. Vitale A Hour later bring
Plaintiff to Medical with SSGNT Miller due to Plaintiff
being scared And stuff Assaulting Him Already and
Co. M. Vitale Giving Him threatening looks Medical
First asked what Happen Plaintiff said He didn't
know Plaintiff Is in shock He then Notify his
family who slammed His finger When call out
Plaintiff couldn't write, work out or Eat properly
Plaintiff ADHD finger Nerve Is still damage
due to RN Sharon Dubbucco deny Plaintiff Medical
Again His finger didn't properly Heal. Fail Procedure
under New York state law Common Law But For
Discriminatory denials of Rights to Access 15.8 Due Process
under Public Information And 1st Amendment Is Federal
552. Public Information, agency rules, opinions, orders, Records
and Proceedings 5 U.S.C. § 55 Title 5 Government
Organization and Employees. The Organization And

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~~18~~~~18~~

Employee Can Not With Hold Public Information for
A Government in the Plaintiff submit Time, Place, location
(3) (A) Foil officer Bell used tactics that violate Plaintiff
Due Process Please see Foil Request V-Mcy-0018-22 Exhibit 45
~~Plaintiff~~ Please Both Request for Foil log No. V-Mcy-0018-
22 Exhibit 45, 46 was The Defendant Response (3) (A)
Says Time, location, Place. Now Please see Exhibit 47, 48
Plaintiff First Filed His Request 7-28-22 didn't Get Processed in
8-16-22 Plaintiff ~~used~~ used Certified mail Return Receipt Inside
His Facility Total 0350 0000 58158160 Return receipt
9590 9402 7498 2098 4784 93, then when He felt He was
not Getting A Proper Process He Payed 7.82 again Total
1970 0000 87269627 9590 9402 7204 1284 3975 59
First Foil Request was 7-22-22 when Defendant Refused
Plaintiff legal Mail 7-23-22, 7-24-22, 7-25-22 was
to Prove He Never Received It this was the letter
from the Southern District the the Defendant's
with Held In till He Missed The deadline to file A
Counter Motion for 22-cv-1122 JGK The Exhibit
48 was Another Piece of Evidence Plaintiff wanted
to Present At trial 9:22-cv-00723-BK (1) Hearing
type 22-1153 (The Defendants still Have Not Released)
(2) Mail theft (3) C.O. A. Bezika Telling Plaintiff
He Has Go to the Back of His Cell Sit on His floor
like A Good boy to Eat (4) Plaintiff kosher food
Again was violated Spit In His Donuts Defendant used
threats of force Instead De-escalation And then

Denies His Food Again saying He Has to go to the
Back of His Cell using Degrading Slurs like Boy to
eat. Under 1st Amendment, And 14th Plaintiff Has a Right
to Contact the Media like News station, Reporters If
Plaintiff wanted to film A Video And STAFF was on Camera
Beyting Plaintiff, Playing with His Religious Food, STEALING His
Property (PRATT v. TAYLOR JR. 1986) Supreme Court U.S.A
If Plaintiff Pays 7.82¢ It Is No longer Regular Correspondent
(First-Class Mail Postage & Fees Paid USPS Permit No. G-10) Now
(3) (A) "Time, Place, location" And the Defendant violates
552. Public Information, agency, rules, opinions, orders, records and
proceedings E.O.A. § 55 Title 5 Government Organization
and Employee (3)(A) By Making His own Rule See 45, 46
"You Have Not Identified a specific incident" I don't Have
Too He violated my due Process clause, 05/05/2022 Foil log
No. 0116-22 on 05/06/2022 Plaintiff Had His Family Call the
News station and He spoke to some one Name Tom, Tom
told Plaintiff If He Could Get the video of the Assault
He would Get to the Right Place so Plaintiff could Press
charges Please see Exhibit 8 Every time STAFF violates Plaintiffs
Rights Excessive force 05/05/2022 and 06/07/2022 Defendant
Bell Discriminates Against Plaintiff so He Cant Refer to the
Media Denials of Right to Access 15.8 Due Process under Public
Information You see it with Exhibit 8 Please see Exhibit 37 6-17-22
Foil log No. CO-22-177 And Foil log No. CO-22 196 Defendant
Sandra Catefame send Foil officer Bell a E-mail This is for
05/05/2022, 06/03/2022, and 06/07/2022 Now 6-28-22 Plaintiff

~~20~~ 20

Right Foil Officer Bell 07/19/2022 Mly - 0162-22
Exhibit 49, And Exhibit 50 C POOR v. City of New York (2013)
Foil Related Claim Due Process claim In Addition, assuming arguendo
Matthews v. Eldridge 424 U.S. 319, 332, 96 S. Ct 893, 47
L. Ed. 2d 18 1976 "The Policy" Even in New York State law
(552. Public INFORMATION, AGENCY, Rules, Opinions, Orders,
Records, and Proceedings 5 U.S.C.A § 55 Title 5 Government
Organization and Employees (3) (A)) ("Time Place Location")
Not Narrow, Vague, Etc: "1 FLAG, 1 NATION, 1 Constitution
Under God" The 14th Amendment Protects equal Protection
Even Thoe Plaintiff is A Inmate Foil is Foil, Foil or FoIA
Time, location, and Place by Foil officer Bell Violating 552
Public Information Etc: (3) (A) by Placing His own "Need to
Know The Incident Stipulation" OR As He Said In Exhibit 45, 46
"Your Request is Vague and broad You Have Not Identified a
Specific incident" That is Not F.O.I.L Policy or FoIA Policy He
Is Discriminating on Plaintiff Violating His 14th Amendment.
Failure to Maintain a safe Environment 05/05/2022 The Cameras were
Not working Under (Gaston v. Coughlin UOCA 2nd Cir May 7, 2001)
by 06/07/2022 Plant Superintendent Wiggins, PATRICK Reardon
Still Is And did Allow the RMHU To Run with out Setting
A Alternative Such As body CAMERAS ON 05/05/2022 The
Defendant didn't know WATERS, Chaplain, Giordani, A. Brownoki, Roberto,
And Iemonizy were Going to Attack Plaintiff But For 30 days
later they were Fully Aware The Cameras were Not working, And
on 06/07/2022 Again Plaintiff was Assaulted And the video was
Broken And they Allowed the RMHU to Continue to Run.



ON 10-8-22 Co. Frankie gave me A Kosher Grape Juice with A Hole Small on the Bottom Plaintiff then went to Place Grape Juice in Another container At this time Plaintiff took A Sip From Open Juice And Poured the Rest in another container About 1 Hour into After Plaintiff drank A sip His Stomach started burning throat started burning His Heart started Hurting Plaintiff then Poured Juice in another clear container Put it under the light ~~Realized~~ Realized It was Red All in Juice like Paper spray Plaintiff called Medical who came And Plaintiff said He was Poisoned He then Informed Nurse ~~calling~~ #412 His Heart was Hurting And Could you Please take his vitals She told Plaintiff to wait she'd come back in 30 minutes Plaintiff Heart was Hurting 30 mins later Nurse ~~calling~~ came back And told Plaintiff she would not take his vitals The Marcy RMHU Defendant have been using A syringe to Inject Spit Paper spray, And unknown substances since 6-3-22 Plaintiff is In Physical Pain stomach, throat burning And The Mental and emotional distress of thinking He contacted HIV/OR Aids 10-8-22 Medical Records shows He was suppose get A HIV/Aids test 10-4-22 Plaintiff stop Nurse Greg Wambler 412 Plaintiff shows Poisoned Grape Juice whom again Refuse to test or take 10-10-22 Whom Not A defendant Plaintiff WAS TRYING to And still is show staff that the defendant's Poisoned Him Please see Medical Records Exhibit 2,3,4 from 10-8-22 to Present Plaintiff has feeling off Burning stomach, throat, Heart ache And Pain In abdomen From Poisoned Grape Juice Staff has been using A syringe from 6-3-22 to Poke holes in Plaintiff Kosher Food Plaintiff has currently gone on Hunger strike 10-17-22

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Plaintiff will be on 18 May 10-12-22 Plaintiff
 Again Had law library Now C.O. M. June Corner
 With the legal Mail Book He Seen Plaintiff's Name When
 Again Plaintiff Asked C.O. M. June did He Have Plaintiff's
 legal Mail He stated No then Contacting Prison office
 Plaintiff Order from docket 22-cv-1122 JGH was Default
 On 4-25-22 Plaintiff Asked C.O. Ruggari does He Have legal
 Mail A Affirmation from the A.G. office New York city
 He Never Got After Plaintiff Filed Default Judgement
 Motion Plaintiff Had to Move of Per Speculation And write
 Motion what Normally Happens when Plaintiff files Default
 like Proper service, Defendant's saying lack Jurisdiction etc
 before Again Captain Kierpack took legal tablet in Proper
 Service Plaintiff Meaded A case He was sitting, C.O. Ruggari
 told Plaintiff He was A Faggot And He wasn't Getting shit
 Plaintiff Identifies Himself Bi-Sexual Plaintiff Has been
 Calling Prison Hotline since 10-1-22 C.O. Ruggari when off
 Gallery towards front tells other staff Per Superintendent
 Reason that Faggot Don't to get shit Again on
 video Plaintiff calls Prison who takes his complaint
 Plaintiff was denied Prison Cell, Video of Prison by
 Defendant Deputy of Prison And Marcy Administration
 Plaintiff has ~~a~~ Grievance on Mail tampering See Declaration
 6 on Mail tampering 7 one Pending 2 On Food tampering
 1 unfair treatment Deputy Commissioner's Administration,
 Deputy Commissioner Programs, Deputy Commissioner Counsel
 Deputy Commissioner for Correctional Services, Deputy Commissioner Medical

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Throw Grievance Appeal and Report But for Has
Not Done Anything to Remedy All Plaintiff Constitutional
Violations Mail tampering ongoing Practice Food Violation
Forced Plaintiff Go on Hunger Strike throw up, Take
Hiv test, Hepatitis test Fear He Contracted A Liver
disease from Practicing Prisoner, All Religious events,
CAMPBRO Not Working Still Hasn't implemented a
Alternative And Plaintiff living in fear, Denied Medical
Plaintiff Grievs Deliberate Indifference See Medical
2,3,4 Plaintiff Complains of Pain And Chest Pain
but was denied visit Plaintiff Is still Physically
Emotionally distressed INHumane, Degrading treatment,
Defendant Mercy RMHU Program Abuses and violates Plaintiff
Civil Right Everyday Has Caused Plaintiff Psychological Torture Abusive
Behavior by staff Is a Continuing behavior Everyday
Illegal Deprivation Mercy RMHU Places Food up Box on Plaintiff
Cell And leaves It all day And hangs on it all day
Everytime Plaintiff Is to receive Food then Plaintiff Bites it and
Has Wholes in Religious thing And Fear this Is a continue
Act STAFF Continue tell Plaintiff He Cant sign for his legal
mail Co. & Wayne, Aguri, and Jane visiting M.Y. & Doreen
D. B. 4421 and 4422 Plaintiff was left in A cell for
9 day with a broken Toilet And Had to Release Bowels
on Floor on Paper And throw it outside In His Recpen
Now STAFF in Mercy RMHU would Assist Plaintiff for 9
days Degrading, INHumane Treatment, Hostile living Environment
Created Plaintiff Psychological torture Partner, Depressed Feeling Hepatitis

asserted. Commonly asserted claims include: excessive force; failure to protect; deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

FIRST CLAIM

Deny Process Fair, Mail Tampering, Deny Access to
Court, Deny Medical Deliberate Indifference Religious Men violation
Emotional distress Fear Catching HIV or AIDS 8th Amendment

SECOND CLAIM

8th Amendment Excessive Force, Failure to Intervene,
Unsafe living Conditions 8th Amendment, Training
Subordinates

THIRD CLAIM

Inhumane Degrading treatment Psychological torture
Hostile living Environment Prison violation

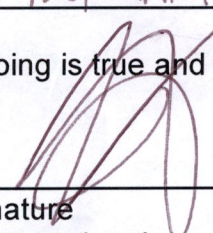
VI. RELIEF REQUESTED

State briefly what relief you are seeking in this case.

60 Million Compensation and Punitive damages, TRIO Intention
Relief Preliminary Hearing Request For Body Camtery Alternative

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 10-13-14



Plaintiff's signature
(All plaintiffs must sign the complaint)